



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401633
Applicant Name : Thomas Mercer
Address of Proposal: 11014 – 15th Avenue NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) parcels of land. Proposed parcel sizes are approximately: A) 5,765 square feet and B) 4,546 square feet. The existing structures are to remain.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 10,311 square foot project site is located in a single-family residential zone with a minimum lot size of 7,200 square feet (SF 7200), located in the Victory Heights neighborhood of north Seattle. The parcel is located on 15th Avenue Northeast between Northeast Northgate Way and Northeast 113th Street, with approximately seventy-five (75) feet of street frontage on 15th Avenue Northeast. Fifteenth

Avenue Northeast is paved with partial sidewalks, but no curbs, gutters, or planting strips on either side of the street. There are two existing houses on the site, which are to remain. Existing vehicle access is from a private easement that connects to 15th Avenue Northeast. The site slopes gently upward toward the east. Fifteenth Avenue Northeast is classified as a Class 2 arterial street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 7200. Development in the area consists of mostly single-family houses, which vary in size, height, age and architectural style, and are built on a variety of lot sizes, consistent with the zoning designations. There is an assisted living facility complex on a site to the northeast of the subject property.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed Parcels A and B will have pedestrian and vehicle access to 15th Avenue Northeast via an existing private access easement (the access for both dwelling units is already existing and will not be changed by the proposed short subdivision). The existing single family residences will remain.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended June 9, 2004, DPD received two written comments from the public related to the subdivision application. The comments expressed concerns about effect on neighborhood character by creating lots that are smaller than the minimum lot size for the zone, and also expressed concern about possible removal of space for trees.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is generally one dwelling unit per lot, with exceptions provided for accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for both structures are existing. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards for minimum lot area and yards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 on page 7 of this document outlines the extent of the non-conformities to yard standards for both proposed parcels A and B of this subdivision.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed Parcels A and B have pedestrian and vehicular access to 15th Avenue Northeast over an existing private easement. The number of residences served by this easement will not change. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the subject property and has indicated that an easement is required. The easement as described in Seattle City Light memorandum dated July 30, 2004, and Exhibit "A" to City of Seattle Short Subdivision No. 2401633 – P.M.# 260428-3-003D shall be included on the final plat prior to recording.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on May 21, 2004 (WAC ID No. 2004-0747).

The sidesewer from the two existing houses addressed 11016 and 11014 15th Avenue Northeast discharges to an 8-inch public sanitary sewer in located within an easement on the parcels to the north addressed as 11024 and 11026 15th Avenue Northeast. There is a 12-inch culvert for drainage on the near side of 15th Avenue Northeast.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions except the minimum lot area standards and yard standards further analyzed below. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

According to the applicant's survey, there are seven hemlock trees, two cedar trees, and one deciduous tree on the subject property with diameters of between eighteen and 26 inches. At the time of this decision, no related building permit has been applied for or any new construction proposed. Future construction, if any, will be subject to the provisions of SMC Sections 23.44.008, 25.11.050 and 25.11.060, which set forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Subsection B of SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

Original building permits for the structures addressed as 11014 and 11016 15th Avenue Northeast have not been discovered in DPD records. According to records of the King County Assessor's Office, both structures were constructed in 1937, which is well prior to annexation of Victory Heights into the City of Seattle on March 1, 1953. Reverse telephone directory listings from 1954 show occupancy of both 11014 and 11016 15th Avenue Northeast. A land use map dating from 1951, prepared by the Kroll Map Company, also shows both structures on the property. Based upon the reverse telephone directory listings and the Kroll map, DPD accepted Project No. 2401632 to establish use for the record of two dwelling units on one single family lot. The information supporting the existence of the two structures prior to July 24, 1957, and hence their eligibility to be established for the record per SMC Section 23.42.102, is found in the DPD file for Project No. 2401632. Permit No. 743606, issued July 2, 2004, has been approved to establish both houses for the record prior to July 24, 1957. Accordingly, the structures addressed as 11014 and 11016 15th Avenue Northeast have been determined to be a legally nonconforming development per SMC Section 23.42.102.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

As explained above, there is substantial evidence to show that the single-family structures addressed as 11014 and 11016 15th Avenue Northeast were built or converted to houses prior to 1957, and Permit No. 743606 has been issued to establish them as dwelling units for the record per 23.42.102. Therefore the requirements of this section are met as both single-family residences were constructed prior to 1982. The relevant information in support of this conclusion is located in the DPD file for Project No. 2401632.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot and coupled with

the building permits detailed above which specify each structure as residence or dwelling. Therefore the provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

Parking is provided in accordance with SMC 23.44.016, so the provisions of this section are met.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. *Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwellings will be five feet at the closest point to the proposed common lot line. The smallest lot size of the proposed parcels is 4,546 square feet (Parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B. Below is a table that summarizes the modification or waivers to the yard standards that are required to approve the short plat. The rear yard for the westerly house addressed as 11014 15th Avenue Northeast (Parcel A) is nonconforming for the undivided property as a whole, but will become somewhat more nonconforming for the westerly house after the short subdivision. However, the easterly house will orient north and south after the short subdivision, instead of east and west as it does prior to the short subdivision. The rear yard for the easterly house, nonconforming prior to the short subdivision at 19.84 feet (25-foot rear yard required for a lot having a depth of 125 feet or more), will become conforming at 15 feet (20% of the lot depth of 75 feet, with the proposed Parcel B orienting north and south). Accordingly, the existing yard nonconformity will be changed somewhat but not worsened by the proposed short subdivision and the actual location and appearance of the houses will not change in any way. The public interest is served by establishing each house on its own lot in conformity to the basic single family development standard of one house per lot.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

Analysis of Required Yards

	Front Yard	Side Yard (north)	Side Yard (south)	Rear Yard
<i>Proposed Parcel A</i> <i>11014 15th Ave.</i> <i>NE</i>	Conforming at 20'	Conforming at 5'	Non-conforming at 2.71'	Non-conforming at 5' (non-conforming at 19.84' prior to short subdivision)
	Front Yard	Side Yard (west)	Side Yard (east)	Rear Yard
<i>Proposed Parcel B</i> <i>11016 15th Ave.</i> <i>NE</i>	Conforming at 20'	Conforming at 5'	Conforming at 5'	Conforming at 15' (non-conforming at 19.84' prior to short subdivision)

Table 1**DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION**Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

After Recording and Prior to Issuance of a Building Permit

3. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: _____ (signature on file) Date: August 5, 2004

William K. Mills, Land Use Planner

Department of Planning and Development (DPD)